

## HOUSE BILL NO. 728

INTRODUCED BY M. LANGE, ARNTZEN, JOHN BALYEAT, BECKER, BRANAE, R. BROWN, BUZZAS,  
DRISCOLL, EATON, FACEY, FUREY, GLASER, GRINDE, GUTSCHE, HAMILTON, HENRY,  
HIMMELBERGER, LINDEEN, MCGILLVRAY, MORGAN, NOENNIG, A. OLSON, RASER, ROBERTS,  
WANZENRIED

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING FUNDING FOR THE STATE VETERANS' CEMETERY PROGRAM; PROVIDING FOR A STATE VETERANS' CEMETERY IN MISSOULA COUNTY AND IN YELLOWSTONE COUNTY AS FUNDING ALLOWS; PROVIDING A STATUTORY APPROPRIATION OF SPECIAL REVENUE; ~~PROVIDING A STATUTORY APPROPRIATION FROM THE GENERAL FUND;~~ AMENDING SECTIONS 10-2-601, 10-2-603, AND 17-7-502, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 10-2-601, MCA, is amended to read:

**"10-2-601. State veterans' cemeteries -- statutory appropriations.** (1) The board shall establish and operate state veterans' cemeteries.

(2) A cemetery must be located at Fort William Henry Harrison; in Lewis and Clark County, Montana, ~~and~~ AND at Miles City; ~~A CEMETERY MAY BE LOCATED in Missoula County; and in Yellowstone County IF FUNDING ALLOWS.~~ The board may establish a state veterans' cemetery in Missoula County, Montana.

(3) The board may establish additional state veterans' cemeteries only as funding ~~appropriated pursuant to 10-2-603 subsection (4)~~ allows.

~~(4) There is statutorily appropriated, as provided in 17-7-502, \$100,000 annually from the general fund to the board for the state veterans' cemetery program."~~

**Section 2.** Section 10-2-603, MCA, is amended to read:

**"10-2-603. Special revenue account -- use of funds -- solicitation.** (1) There is an account in the special revenue fund to the credit of the board for the state veterans' cemeteries.

(2) Plot allowances, donations to the cemetery program, and fund transfers pursuant to 15-1-122(3)(d) must be deposited into the account.

(3) ~~As appropriated by the legislature, money in the~~ The account is statutorily appropriated, as provided in 17-7-502, to the board and may be used only for the construction, maintenance, operation, and administration of the state veterans' cemeteries.

(4) The board shall solicit veterans' license plate sales and donations on behalf of the state veterans' cemeteries."

**Section 3.** Section 17-7-502, MCA, is amended to read:

**"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-15-151; 2-17-105; 5-13-403; ~~10-2-601; 10-2-603;~~ 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-1-113; 15-1-121; 15-23-706; 15-35-108; 15-36-332; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-11-404; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-304; 18-11-112; 19-3-319; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 20-8-107; 20-9-534; 20-9-622; 20-26-1503; 22-3-1004; 23-5-306; 23-5-409; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 42-2-105; 44-12-206; 44-13-102; 50-4-623; 53-1-109; 53-6-703; 53-24-108; 53-24-206; 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 77-2-362; 80-2-222; 80-4-416; 80-5-510; 80-11-518; 82-11-161; 87-1-513; 90-3-1003; 90-6-710; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to Ch. 422, L. 1997, the inclusion of

1 15-1-111 terminates on July 1, 2008, which is the date that section is repealed; pursuant to sec. 10, Ch. 360,  
2 L. 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's  
3 unfunded liability is 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates  
4 July 1, 2014; pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, and secs. 2 and 5, Ch. 481, L. 2003, the inclusion  
5 of 90-6-710 terminates June 30, 2005; pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, and secs. 3 and 6, Ch.  
6 481, L. 2003, the inclusion of 15-35-108 terminates June 30, 2010; and pursuant to sec. 135, Ch. 114, L. 2003,  
7 the inclusion of 2-15-151 terminates June 30, 2005.)"

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9 NEW SECTION. **Section 4. Effective date.** [This act] is effective July 1, 2005.

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